

**63A-9-101. Definitions.**

(1) (a) "Agency" means each department, commission, board, council, agency, institution, officer, corporation, fund, division, office, committee, authority, laboratory, library, unit, bureau, panel, or other administrative unit of the state.

(b) "Agency" includes the State Board of Education, the Office of Education, each Applied Technology Center, the board of regents, the institutional councils of each higher education institution, and each higher education institution.

(c) "Agency" includes the legislative and judicial branches.

(2) "Committee" means the Motor Vehicle Review Committee created by this chapter.

(3) "Director" means the director of the division.

(4) "Division" means the Division of Fleet Operations created by this chapter.

(5) "Executive director" means the executive director of the Department of Administrative Services.

(6) "Local agency" means:

(a) a county;

(b) a municipality;

(c) a school district;

(d) a local district;

(e) a special service district;

(f) an interlocal entity as defined under Section 11-13-103; or

(g) any other political subdivision of the state, including a local commission, board, or other governmental entity that is vested with the authority to make decisions regarding the public's business.

(7) (a) "Motor vehicle" means a self-propelled vehicle capable of carrying passengers.

(b) "Motor vehicle" includes vehicles used for construction and other nontransportation purposes.

(8) "State vehicle" means each motor vehicle owned, operated, or in the possession of an agency.

Amended by Chapter 65, 2008 General Session

**63A-9-201. Creation.**

(1) There is created the Division of Fleet Operations within the Department of Administrative Services.

(2) The division of fleet operations is an internal service fund agency and its financial affairs shall be accounted for as an internal service fund.

Enacted by Chapter 334, 1996 General Session

**63A-9-202. Director of division -- Appointment.**

The executive director of the department shall appoint the director of the Division of Fleet Operations with the approval of the governor.

Enacted by Chapter 334, 1996 General Session

**63A-9-203. Director -- Duties.**

The director shall establish and administer the division.

Enacted by Chapter 334, 1996 General Session

**63A-9-301. Motor Vehicle Review Committee -- Composition.**

- (1) There is created a Motor Vehicle Review Committee to advise the division.
- (2) The committee shall be composed of nine members as follows:
  - (a) the executive director of the Department of Administrative Services or the director's designee;
  - (b) a member from a state agency other than higher education, the Department of Transportation, the Department of Public Safety, or the Department of Natural Resources, who uses the division's services;
  - (c) the director of the Division of Purchasing and General Services or the director's designee;
  - (d) one member from:
    - (i) higher education, designated annually by the executive director of the Department of Administrative Services;
    - (ii) the Department of Transportation, designated annually by the executive director of the Department of Administrative Services;
    - (iii) the Department of Public Safety, designated annually by the executive director of the Department of Administrative Services; and
    - (iv) the Department of Natural Resources, designated annually by the executive director of the Department of Administrative Services; and
  - (e) two public members with experience in fleet operations and maintenance appointed by the governor.
- (3) (a) Except as required by Subsection (3)(b), the governor shall appoint each public member to a four-year term.
  - (b) Notwithstanding the requirements of Subsection (3)(a), the governor shall, at the time of appointment, adjust the length of terms to ensure that the terms of public members are staggered so that one of the public members is appointed every two years.
  - (c) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.
- (4) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
  - (a) Section 63A-3-106;
  - (b) Section 63A-3-107; and
  - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- (5) Five members of the committee are a quorum.
- (6) The executive director of the Department of Administrative Services is chair of the committee.

Amended by Chapter 286, 2010 General Session

**63A-9-302. Committee duties.**

The committee shall:

- (1) advise the director about carrying out the director's responsibilities under this chapter;
- (2) review each administrative rule proposed by the division and make recommendations to the director about those rules; and
- (3) in conjunction with the director, make recommendations to the legislature about any amendments to statute needed to allow the division to fulfill its responsibilities under this chapter.

Amended by Chapter 5, 2003 General Session

**63A-9-401. Division -- Duties.**

- (1) The division shall:
  - (a) perform all administrative duties and functions related to management of state vehicles;
  - (b) coordinate all purchases of state vehicles;
  - (c) establish one or more fleet automation and information systems for state vehicles;
  - (d) make rules establishing requirements for:
    - (i) maintenance operations for state vehicles;
    - (ii) use requirements for state vehicles;
    - (iii) fleet safety and loss prevention programs;
    - (iv) preventative maintenance programs;
    - (v) procurement of state vehicles, including:
      - (A) vehicle standards;
      - (B) alternative fuel vehicle requirements;
      - (C) short-term lease programs;
      - (D) equipment installation; and
      - (E) warranty recovery programs;
    - (vi) fuel management programs;
    - (vii) cost management programs;
    - (viii) business and personal use practices, including commute standards;
    - (ix) cost recovery and billing procedures;
    - (x) disposal of state vehicles;
    - (xi) reassignment of state vehicles and reallocation of vehicles throughout the fleet;
    - (xii) standard use and rate structures for state vehicles; and
    - (xiii) insurance and risk management requirements;
  - (e) establish a parts inventory;
  - (f) create and administer a fuel dispensing services program that meets the requirements of Subsection (2);

(g) emphasize customer service when dealing with agencies and agency employees;

(h) conduct an annual audit of all state vehicles for compliance with division requirements;

(i) before charging a rate, fee, or other amount to an executive branch agency, or to a subscriber of services other than an executive branch agency:

(i) submit the proposed rates, fees, and cost analysis to the Rate Committee established in Section 63A-1-114; and

(ii) obtain the approval of the Legislature as required by Section 63J-1-410; and

(j) conduct an annual market analysis of proposed rates and fees, which analysis shall include a comparison of the division's rates and fees with the fees of other public or private sector providers where comparable services and rates are reasonably available.

(2) The division shall operate a fuel dispensing services program in a manner that:

(a) reduces the risk of environmental damage and subsequent liability for leaks involving state-owned underground storage tanks;

(b) eliminates fuel site duplication and reduces overall costs associated with fuel dispensing;

(c) provides efficient fuel management and efficient and accurate accounting of fuel-related expenses;

(d) where practicable, privatizes portions of the state's fuel dispensing system;

(e) provides central planning for fuel contingencies;

(f) establishes fuel dispensing sites that meet geographical distribution needs and that reflect usage patterns;

(g) where practicable, uses alternative sources of energy; and

(h) provides safe, accessible fuel supplies in an emergency.

(3) The division shall:

(a) ensure that the state and each of its agencies comply with state and federal law and state and federal rules and regulations governing underground storage tanks;

(b) coordinate the installation of new state-owned underground storage tanks and the upgrading or retrofitting of existing underground storage tanks; and

(c) ensure that counties, municipalities, school districts, local districts, and special service districts subscribing to services provided by the division sign a contract that:

(i) establishes the duties and responsibilities of the parties;

(ii) establishes the cost for the services; and

(iii) defines the liability of the parties.

(4) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the director of the Division of Fleet Operations:

(i) may make rules governing fuel dispensing; and

(ii) shall make rules establishing standards and procedures for purchasing the most economically appropriate size and type of vehicle for the purposes and driving conditions for which the vehicle will be used, including procedures for granting exceptions to the standards by the executive director of the Department of

Administrative Services.

(b) Rules made under Subsection (4)(a)(ii):

(i) shall designate a standard vehicle size and type that shall be designated as the statewide standard vehicle for fleet expansion and vehicle replacement;

(ii) may designate different standard vehicle size and types based on defined categories of vehicle use;

(iii) may, when determining a standard vehicle size and type for a specific category of vehicle use, consider the following factors affecting the vehicle class:

(A) size requirements;

(B) economic savings;

(C) fuel efficiency;

(D) driving and use requirements;

(E) safety;

(F) maintenance requirements;

(G) resale value; and

(H) the requirements of Section 63A-9-403; and

(iv) shall require agencies that request a vehicle size and type that is different from the standard vehicle size and type to:

(A) submit a written request for a nonstandard vehicle to the division that contains the following:

(I) the make and model of the vehicle requested, including acceptable alternate vehicle makes and models as applicable;

(II) the reasons justifying the need for a nonstandard vehicle size or type;

(III) the date of the request; and

(IV) the name and signature of the person making the request; and

(B) obtain the division's written approval for the nonstandard vehicle.

(5) (a) (i) Each state agency and each higher education institution shall subscribe to the fuel dispensing services provided by the division.

(ii) A state agency may not provide or subscribe to any other fuel dispensing services, systems, or products other than those provided by the division.

(b) Counties, municipalities, school districts, local districts, special service districts, and federal agencies may subscribe to the fuel dispensing services provided by the division if:

(i) the county or municipal legislative body, the school district, or the local district or special service district board recommends that the county, municipality, school district, local district, or special service district subscribe to the fuel dispensing services of the division; and

(ii) the division approves participation in the program by that government unit.

(6) The director, with the approval of the executive director, may delegate functions to institutions of higher education, by contract or other means authorized by law, if:

(a) the agency or institution of higher education has requested the authority;

(b) in the judgment of the director, the state agency or institution has the necessary resources and skills to perform the delegated responsibilities; and

(c) the delegation of authority is in the best interest of the state and the function

delegated is accomplished according to provisions contained in law or rule.

Amended by Chapter 190, 2014 General Session

**63A-9-401.5. Vehicle fleet cost efficiency plans -- Requirements -- Contents -- Submission by agencies.**

(1) The division shall develop and coordinate the implementation of a statewide vehicle fleet cost efficiency plan to ensure continuing progress toward statewide overall cost reduction in government vehicle costs. The plan shall include:

- (a) goals for vehicle fleet cost efficiency;
- (b) a summary of agency submitted plans, statistics, and progress;
- (c) standard measures of cost including:
  - (i) vehicle cost per mile;
  - (ii) total vehicles;
  - (iii) total fuel used; and
  - (iv) miles per gallon of fuel;
- (d) goals for purchasing the most economically appropriate size and type of vehicle for the purposes and driving conditions for which the vehicle will be used;
- (e) cost reduction measures which may include:
  - (i) reducing vehicle engine idle time;
  - (ii) driving fewer miles;
  - (iii) using car pools when possible;
  - (iv) avoiding rush hour traffic;
  - (v) reducing aggressive driving;
  - (vi) providing proper preventative maintenance including properly inflated tires;

and

- (vii) purchasing from state fuel sites and using the lowest octane fuel needed for the altitude;
- (f) reducing inventories of underutilized vehicles; and
- (g) education to inform drivers of their accountability on implementing cost reduction measures.

(2) The division shall assist agencies to develop and implement their own plans in accordance with this part.

(3) Each agency that owns or leases vehicles shall develop, implement, and submit to the division under Section 63A-9-402, a vehicle fleet cost efficiency plan for their agency in accordance with the provisions under Subsection (1). The plan shall include agency goals and statistics, and a report of agency progress.

Enacted by Chapter 106, 2007 General Session

**63A-9-402. State-owned vehicle report -- Contents.**

(1) On or before October 1 of each year, each agency that owns or leases vehicles shall submit a report to the division that contains at least the following information:

- (a) a description of each vehicle owned or leased by that agency, including the

license number, year, make, and model of the vehicle;

(b) the person and administrative unit within the agency to whom each vehicle is assigned; and

(c) a vehicle fleet cost efficiency plan in accordance with the provisions of Section 63A-9-401.5.

(2) (a) On or before November 1 of each calendar year, the director of the division shall submit a state-owned vehicle report to the governor and to the legislative fiscal analyst.

(b) The report shall contain a summary of vehicles owned or leased by each state agency including:

(i) a description of each vehicle owned or leased by each agency;

(ii) the person or administrative unit within the agency to whom each vehicle is assigned; and

(iii) standard measures of cost for the previous year, for each vehicle, including:

(A) vehicle cost per mile;

(B) total vehicles;

(C) total fuel used; and

(D) miles per gallon of fuel.

(3) The legislative fiscal analyst shall submit the information from the state-owned vehicle report about each agency's state-owned vehicles to the legislative appropriation subcommittee that has jurisdiction over that agency.

(4) (a) Vehicles used in official investigative work where secrecy is essential are exempt from the requirements of this section.

(b) The report to the governor and legislative fiscal analyst shall include the total number of state vehicles used in official investigative work where secrecy is essential that are not otherwise accounted for in the report.

Amended by Chapter 106, 2007 General Session

**63A-9-403. Clean emissions vehicles -- Alternative fuel vehicles.**

No later than August 30, 2018, the division shall ensure that 50% or more of new or replacement division-owned state vehicles that are motor vehicles used for the transportation of passengers are motor vehicles with emissions that are equal to or cleaner than the standards established in bin 2 in Table S04-1, of 40 C.F.R. 86.1811-04(c)(6), or any vehicle propelled to a significant extent using one of the following alternative fuels:

(1) electricity from an off-board source;

(2) natural gas;

(3) liquid petroleum gas;

(4) hydrogen; or

(5) biodiesel.

Enacted by Chapter 190, 2014 General Session

**63A-9-501. Complaints about misuse or illegal operation of state vehicles**

**-- Disposition.**

(1) The division shall refer complaints from the public about misuse or illegal operation of state vehicles to the agency that is the owner or lessor of the vehicle.

(2) Each agency head or his designee shall investigate all complaints about misuse or illegal operation of state vehicles and shall discipline each employee that is found to have misused or illegally operated a vehicle by following the procedures set forth in the rules adopted by the Department of Human Resource Management as authorized by Section 67-19-18.

(3) (a) Each agency shall report the findings of each investigation conducted as well as any action taken as a result of the investigation to the directors of the Divisions of Fleet Operations and Risk Management.

(b) Misuse or illegal operation of state vehicles may result in suspension or revocation of state vehicle driving privileges as governed in rule.

Amended by Chapter 139, 2006 General Session

**63A-9-601. Marking of vehicles.**

(1) (a) Except as provided in Subsection (5), all motor vehicles owned, leased for use, or operated by the state shall display an identification mark and "EX" plates where required by Section 41-1a-407.

(b) The division is responsible for ensuring that vehicles owned or leased by the state are marked.

(c) The division shall enact rules relating to the size and design of the identification mark.

(2) The identification mark shall be clear, distinct, and kept free from defacement, mutilation, grease, and other obscuring matter so that it is plainly visible at all times.

(3) Each person operating a state vehicle without the proper designation is guilty of an infraction.

(4) Vehicles used in official investigative work where secrecy is essential are exempt from the requirements of this section.

(5) Notwithstanding Subsection (1), the division may grant security exemptions to the identification mark and "EX" plate requirement when the division:

(a) receives a request for an exemption; and

(b) determines there is a substantial danger to the person to whom the vehicle is assigned if the vehicle is identified as a state vehicle.

Enacted by Chapter 334, 1996 General Session

**63A-9-701. Subscription to motor pool by certain local government entities.**

(1) The following local government entities may subscribe to the central motor pool service provided by the division subject to the conditions established in Subsection (2):

(a) local health departments as defined in Title 26A, Chapter 1, Part 1, Local



Health Department Act;

(b) local substance abuse authorities as defined in Section 17-43-201;

(c) local area agencies, as authorized by Section 62A-3-104, or their subcontractors who are local governmental or public entities; and

(d) local mental health authorities as defined in Section 17-43-301.

(2) The local government entities outlined in Subsection (1) may subscribe to the central motor pool service provided by the division only if:

(a) the director of the local government entity determines it will result in substantial cost savings or increased efficiency to the local government entity; and

(b) the central motor pool has sufficient vehicles available.

Amended by Chapter 22, 2003 General Session

**63A-9-702. Authority of public to purchase natural gas from the state fuel network -- Rulemaking authority.**

(1) As used in this section, "private individual or entity" means any individual or entity that:

(a) is not acting under the authority of a federal, state, or local government agency; and

(b) is not purchasing compressed natural gas from the state's fuel network for sale, resale, distribution, redistribution, trade, exchange, or in furtherance of a commercial enterprise.

(2) The division may allow a private individual or entity to purchase compressed natural gas from the state's fuel network if:

(a) there is no commercial fuel site that meets the geographical compressed natural gas distribution needs of private individuals or entities; and

(b) there is no emergency that, as determined by the division, warrants the holding of compressed natural gas in reserve for use by state or emergency vehicles.

(3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall make rules:

(a) giving state and local agencies priority to dispense and receive compressed natural gas from the state's fuel network sites;

(b) designating state fuel network sites that may be made available to private individuals and entities for the purchase of compressed natural gas;

(c) defining the terms of operation for each site designated under Subsection (3)(b);

(d) unless otherwise prohibited by law, limiting the amount of compressed natural gas that may be purchased from the state's fuel network by any private individual or entity at any one time, or in the aggregate during any given period of time;

(e) providing conditions upon which a private individual or entity's authorization to purchase compressed natural gas from the state fuel network may be granted, revoked, or suspended under this section;

(f) to establish or determine compliance with Subsections (2)(a) and (b); and

(g) defining the term "geographical compressed natural gas needs of a private individual or entity."

Enacted by Chapter 65, 2008 General Session